

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7307

Investigation into Vermont Electric Utilities'       )  
Use of Smart Metering and Time-Based Rates       )

Order entered: 12/1/2011

**ORDER RE: MOTIONS TO INTERVENE**

The Public Service Board ("Board") has received motions to intervene from the following: American Civil Liberties Union Foundation of Vermont ("ACLU"), International Business Machines Corporation ("IBM"), Stopsmeters, and Vermonters for a Clean Environment ("VCE").<sup>1</sup> In addition, Linda Chagnon filed a document entitled "motion to intervene" which outlined her concerns with various issues related to smart metering. Further, Katherine Peltz filed a letter on November 9, 2011, in which she stated she was seeking party status "as a group of concerned citizens."

The Vermont Department of Public Service ("Department") filed a letter stating that it had no objection to any of the intervention requests.<sup>2</sup> The Department notes that Ms. Chagnon's interests are aligned with those of VCE and/or Stopsmeters, and that she should consider allowing those organizations to represent her. The Department requests, though, that the Board limit the scope of these interventions to participation on the three issues presently under consideration: opt-out, privacy, and cyber-security.

Central Vermont Public Service Corporation ("CVPS") does not object to limited permissive intervention pursuant to Board Rule 2.209(B). However, CVPS echoes the

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1. VCE represents that it is a statewide non-profit organization made up of Vermont residents "who believe that Vermont's economic growth depends on its environmental health and that corporations should be held accountable for their environmental impacts." VCE's mission includes commenting on projects with environmental and health impacts. Stopsmeters states that it is an organization currently seeking status in Vermont as a non-profit organization. According to Stopsmeters, it has over 100 Vermont members who will be "directly impacted by the implementation of wireless smart meters in their homes, offices and businesses they frequent."

2. The Department did not identify Ms. Peltz as one of the persons seeking intervention.

Department's request that participation be expressly limited to the three issues listed above, consistent with the interests identified in the individual motions.

Green Mountain Power Corporation ("GMP") asserts that the only issues now before the Board are the policy proposal submitted by the Department on the three issues identified above. In that context, GMP does not object to the intervention of ACLU, IBM, Stopsmeters, or VCE for the limited purpose of filing comments on the policy proposals.<sup>3</sup> GMP takes no position on the appropriateness of a grant of intervention on future issues.

After consideration of the motions and the parties' comments, I grant the motions to intervene filed by ACLU, IBM, VCE, and Stopsmeters on a permissive basis. At this time, the intervention is limited to participation on the issues raised by the Department's policy proposals on opt-out, cyber-security, and privacy. If one or more of these parties seek to participate in subsequent phases, it will be necessary to file an additional intervention request.

I also deny Ms. Chagnon's motion without prejudice to renewal of the motion. The request to intervene fails to address any of the standards for permissive intervention set out in Board Rule 2.209(B). Ms. Chagnon has not alleged or demonstrated a substantial interest in the outcome of this phase of the investigation nor has she shown how her interests can not be adequately represented by other parties. For the same reason, I deny Ms. Peltz's motion. She has not identified a substantial interest. She has also said that she is acting on behalf of a group of citizens, but does not indicate that she is authorized to represent the group or even identify the group. Ms. Chagnon's and Ms. Peltz's comments will still be considered along with all other comments. And, Ms. Chagnon and Ms. Peltz may refile their motions addressing each of the requisite criteria.<sup>4</sup>

Consistent with Board precedent, the parties granted intervention by this Order take this docket as it now stands. The grant of intervention is not for the purpose of relitigating issues previously decided by the Board or for the purposes of examining issues related to a utility-specific Automatic Metering Infrastructure plan (such as those for CVPS and GMP that the

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3. GMP did not comment upon Ms. Chagnon's request.

4. To the extent that Ms. Peltz seeks to intervene on behalf of a group, she will also need to demonstrate conformity with Board Rule 2.202 governing representation of parties by non-attorneys.

Board approved in Docket Nos. 7612 and 7704, respectively). Such issues are outside the scope of this phase of the Docket 7307 investigation.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 1<sup>st</sup> day of December, 2011.

s/George E. Young  
George E. Young  
Hearing Officer

OFFICE OF THE CLERK

FILED: December 1, 2011

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*